

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Attorney Docket No. 15975US01 (WIDC-026/00US)**

*In the Application of:*

Jyothis Indirabhai

*U.S. Serial No.:* 09/935,082

*Filed:* August 21, 2001

*For:* SYSTEM AND METHOD FOR  
SYNCHRONIZING WIRELESS  
COMMUNICATION DEVICES

*Examiner:* Phuoc Huu Doan

*Group Art Unit:* 2617

*Conf. No.:* 8557

*Customer No.:* 23446

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via EFS-Web to the United States Patent and Trademark Office on March 16, 2007.



Michael T. Cruz  
Reg. No. 44,636

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is a timely response to Notice of Abandonment ("the Notice") mailed on January 17, 2007. According to the Notice, Applicant failed to file a response to the Office Action mailed on December 27, 2005.

Applicant hereby petitions for the withdrawal of the holding of abandonment under 37 C.F.R. § 1.181 and the remailing of the Office Action as set forth in M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

U.S. Application No. 09/935,082, filed August 21, 2001  
Attorney Docket No. 15975US01 (WIDC-026/00US)  
Petition to Withdraw Holding of Abandonment dated March 16, 2007  
In Reply to Notice of Abandonment mailed January 17, 2007

In this case, the Office Action mailed on December 27, 2005 was not received due to an error in addressing (i.e., omitting a street address) caused solely by the United States Patent and Trademark Office (USPTO).

M.P.E.P. § 711.03(c)(I)(A) is entitled “Petition to Withdraw Holding of Abandonment Based on Failure To Receive Office Action” and is the relevant section of the M.P.E.P. See M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

M.P.E.P. § 711.03(c)(I)(A) states that “an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action”. M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

In view of the supporting evidence below, Applicant respectfully petitions that the Director withdraw the holding of abandonment and order the remailing of the Office Action.

#### Statement

M.P.E.P. § 711.03(c)(I)(A) states that “[t]o minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received”. M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

I, Michael T. Cruz, Reg. No. 44,636, as Applicant’s representative, state that the Office Action mailed on December 27, 2005 was never received. I attest to the fact that a search of the file jacket and docket records indicates that the Office Action mailed on December 27, 2005 was not received.

In addition, M.P.E.P. § 711.03(c)(I)(A) states that “[a] copy of the docket record where the

U.S. Application No. 09/935,082, filed August 21, 2001  
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nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action.” M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

As part of my search of the docket records, I, Michael T. Cruz, Reg. No. 44,636, as Applicant's representative, reviewed the attached docket report (3 pages) which is attached as Exhibit A. On page 2 near the bottom of the page of the docket report, note that there is no entry between a Response that Applicant filed on November 28, 2005 and deadline of March 17, 2007 by which to file this Petition. This indicates that the Office Action of December 27, 2005 was never received.

#### Evidence of Insufficient Address

As further evidence that the Office Action of December 27, 2005 was never received, Applicant has attached, as Exhibit B, a print out from USPTO PAIR indicating that on January 17, 2006, “Mail [was] returned to USPTO as undelivered”.

As still further evidence that the Office Action of December 27, 2005 was never received, Applicant has attached, as Exhibit C, a print out from USPTO PAIR of the first page of the document referenced on January 17, 2006 as “Mail returned to USPTO as undelivered”. The first page is a hardcopy of the envelope mailed by the USPTO. Applicant respectfully directs the attention of the Director to the marking “INSUFFICIENT ADDRESS” stamped by the United States Postal Service (USPS).

As still further evidence that the Office Action of December 27, 2005 was never received, Applicant has attached, as Exhibit D, the front page of the Office Action of December 27, 2005. Applicant respectfully directs the attention of the Director to the fact that the address is lacking a

U.S. Application No. 09/935,082, filed August 21, 2001  
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street address.

It is respectfully submitted that, because the Official communication lacked a street address, the Office Action of December 27, 2005 was never delivered by the USPS. This explains why the USPS stamped the envelope (Exhibit C) with the marking "INSUFFICIENT ADDRESS".

In addition, it is respectfully noted that the address of the Office Action of December 27, 2005 misspelled the law firm name. In particular, "Held" was misspelled as "Hel".

Incorrect Address Solely Due to USPTO Error

As evidence that the USPTO is solely at fault for the "INSUFFICIENT ADDRESS" marking stamped by the USPS, Applicant has attached, as Exhibit E, a document (2 pages) entitled "POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST, REVOCATION OF PRIOR POWERS AND CHANGE OF CORRESPONDENCE ADDRESS" received by the USPTO on September 13, 2004. In that document, Applicant stated on page 2 that correspondence should be directed to:

Christopher C. Winslade  
McAndrews, Held & Malloy  
500 W. Madison Street  
Suite 3400  
Chicago, IL 60661

Applicant respectfully directs the attention of the Director to the fact that the street address "500 W. Madison Street" was missing from the address of the Office Action mailed December 27, 2005. It is because the USPTO omitted the street address "500 W. Madison Street" in addressing the Office Action mailed December 27, 2005 that Applicant never received the Office Action mailed December 27, 2005.

U.S. Application No. 09/935,082, filed August 21, 2001  
Attorney Docket No. 15975US01 (WIDC-026/00US)  
Petition to Withdraw Holding of Abandonment dated March 16, 2007  
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It is respectfully submitted that the USPTO is solely at fault for the error in addressing the Office Action mailed December 27, 2005 that caused the USPS to return the Office Action mailed December 27, 2005 back to the USPTO with the marking "INSUFFICIENT ADDRESS" stamped by the USPS.

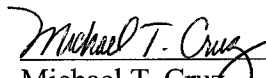
Conclusion

For at least the above reasons, the Director is respectfully petitioned to withdraw the holding of abandonment and to order the remailing of the Office Action as set forth in M.P.E.P. § 711.03(c)(I)(A) at page 700-184 (Rev. 5, Aug. 2006).

Although no petition fee is believed due, the Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: March 16, 2007

Respectfully submitted,

  
Michael T. Cruz  
Reg. No. 44,636

McANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, Suite 3400  
Chicago, Illinois 60661  
Telephone: (312) 775-8084  
Facsimile: (312) 775-8100

Attachments: Exhibits A-E

## **EXHIBIT A**



Patent: 15975US01, United States, REGULAR CASE TYPE, NATIONAL  
CASE, ORIGINAL OR PATENT CASE

## Patent Data

Docket Number	15975US01	Attorney	CHRISTOPHER C. WINSLADE
Country	United States	Agent	MICHAEL T. CRUZ
Case Type	REGULAR CASE TYPE	Client	BROADCOM CORPORATION
Relation Type	ORIGINAL OR PATENT CASE	Current Owner	ZYRAY
Filing Type	NATIONAL CASE	Tax Agent	
Filing Number		Client Ref No	BU4732
Status	FILED	First Filing Date	8/21/2001
Sub Status	ABANDONED	Sub Status Date	
Parent Country		Parent Filing Date	
Parent Number		Parent Grant Date	
Application Number	09/935082	Application Date	8/21/2001
Patent Number		Grant Date	
Publication Number	2003-0040328	Publication Date	2/27/2003
Assigned	ASSIGNMENT RECORDED	Ind. Claims\Designs	
Convention Type		Total Claims	
Custom Code #1		TotalClasses	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Paralegal		Next Tax Date	
Custom Party #2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Custom Text #2	
Custom Party #6		Custom Date #2	
Custom Party #7		Custom Text #3	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Custom Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code	MWPP	Customer Name	McAndrews, Held & Malloy, Ltd.

## Title

SYSTEM AND METHOD FOR SYNCHRONIZING WIRELESS COMMUNICATION DEVICES

**Description****Current Expense Information****Other Case-Related Information****Actions**

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Action Notes
APPLICATION MAILED				8/21/2001	
DECLARATION REQUIRED				8/21/2001	
FILE ASSIGNMENT				8/21/2001	
POWER OF ATTY REQUIRED				8/21/2001	ALONG WITH STATEMENT
DOCUMENT DUE OR FILED				10/10/2001	CHG. OF CORR. ADDRESS
INFORMATION DISCLOSURE STATEMENT				9/20/2002	
PUBLISHED				2/27/2003	
Application Rejected - Mail Date				8/12/2004	
POWER OF ATTY REQUIRED				9/9/2004	REV/NEW POA AND COCA
FILE ASSIGNMENT				9/8/2004	COMPANY TO COMPANY
Application Rejected - Mail Date				7/27/2005	
Notice of abandonment				1/17/2007	
FILE ASSIGNMENT				2/21/2006	(2) - Widcomm, Inc. and Widcomm Acquisition Corp. to Widcomm, Inc. (a subsidiary of Broadcom Corporation)
Rejection Response - 1mo Extension	12/12/2004		2/12/2005	12/13/2004	Widcomm, Inc. a wholly-owned subsidiary of Broadcom Corporation to Broadcom Corporation
STATUS INQUIRY DUE	6/13/2005			6/10/2005	12/10/04 e-mail reminder
Rejection Response - 1mo Extension	11/27/2005		1/27/2006	11/28/2005	PAIR STATUS AND FILE FORWARDED TO KKM FOR PROCESSING [6/10/2005]
Abandon?	3/17/2007				w/Petition for 1 month Ext. of Time
PETITION TO REVIVE	3/17/2007				

**Inventors**

Inventor	Assignment Date	Inventor Name
INDIRABHAI, JYOTHIS	8/13/2001	



**Other Nos**

Other Number Code Other Number1 Other Number Date

Reel and Frame 017262/0789 2/21/2006

Reel and Frame 017262/0793 2/21/2006

CreateUser: ETULL

CreateDate: 7/21/2004

*Copyright 2002 by Master Data Center, Inc.*

UpdateUser: fnaylor

UpdateDate: 1/23/2007

## **EXHIBIT B**

09/935,082

System and method for synchronizing wireless communication devices

03-16-

2007::17:51:14

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.**

### Available Documents

Mail Room Date	Document Description	Document Category	Page Count
<b>01-17-2007</b>	<b>Abandonment</b>	<b>PROSECUTION</b>	<b>2</b>
01-17-2006	Mail returned to USPTO as undelivered	PROSECUTION	13
12-27-2005	Final Rejection	PROSECUTION	12
12-27-2005	Index of Claims	PROSECUTION	1
12-27-2005	Search information including classification, databases and other search related notes	PROSECUTION	1
11-28-2005	Fee Worksheet (PTO-06)	PROSECUTION	1
11-28-2005	Amendment - After Non-Final Rejection	PROSECUTION	1
11-28-2005	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	3
11-28-2005	Transmittal to TC	PROSECUTION	3
11-28-2005	Extension of Time	PROSECUTION	1
07-27-2005	Non-Final Rejection	PROSECUTION	9
07-27-2005	List of references cited by examiner	PRIOR ART	1
07-27-2005	Index of Claims	PROSECUTION	1
07-27-2005	Search information including classification, databases and other search related notes	PROSECUTION	1
12-13-2004	Fee Worksheet (PTO-06)	PROSECUTION	1
12-13-2004	Fee Worksheet (PTO-06)	PROSECUTION	1
12-13-2004	Extension of Time	PROSECUTION	1
12-13-2004	Amendment - After Non-Final Rejection	PROSECUTION	4
12-13-2004	Claims	PROSECUTION	4
12-13-2004	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
09-13-2004	Power of Attorney	PROSECUTION	19
08-12-2004	Non-Final Rejection	PROSECUTION	9
08-12-2004	List of references cited by examiner	PRIOR ART	1
08-12-2004	List of References cited by applicant and considered by examiner	PRIOR ART	1
07-27-2004	Examiner's search strategy and results	PROSECUTION	1
09-24-2002	NPL Documents	PRIOR ART	1084
09-24-2002	Information Disclosure Statement (IDS) Filed	PROSECUTION	3
10-10-2001	Change of Address	PROSECUTION	1
08-21-2001	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
08-21-2001	Search information including classification, databases and other search related notes	PROSECUTION	1
08-21-2001	Index of Claims	PROSECUTION	1
08-21-2001	Transmittal of New Application	PROSECUTION	3
08-21-2001	Authorization for Extension of Time all replies	PROSECUTION	3
08-21-2001	Drawings	PROSECUTION	9
08-21-2001	Specification	PROSECUTION	15
08-21-2001	Claims	PROSECUTION	3
08-21-2001	Abstract	PROSECUTION	1
08-21-2001	Oath or Declaration filed	PROSECUTION	4
08-21-2001	Bibliographic Data Sheet	PROSECUTION	2
08-21-2001	Fee Worksheet (PTO-06)	PROSECUTION	1
08-21-2001	Fee Worksheet (PTO-06)	PROSECUTION	1
08-21-2001	Claims Worksheet (PTO-2022)	PROSECUTION	1

08-21-2001	Application Data Sheet	PROSECUTION	2
08-21-2001	Transmittal of New Application	AS FILED	3
08-21-2001	Application Data Sheet	AS FILED	2
08-21-2001	Specification	AS FILED	15
08-21-2001	Claims	AS FILED	3
08-21-2001	Abstract	AS FILED	1
08-21-2001	Drawings	AS FILED	9
08-21-2001	Oath or Declaration filed	AS FILED	4

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**Close Window**

## **EXHIBIT C**

Organization **TC 2600** Bidg./Room **KNOX**  
U. S. DEPARTMENT OF COMMERCE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
IF UNDELIVERABLE RETURN IN TEN DAYS  
OFFICIAL BUSINESS

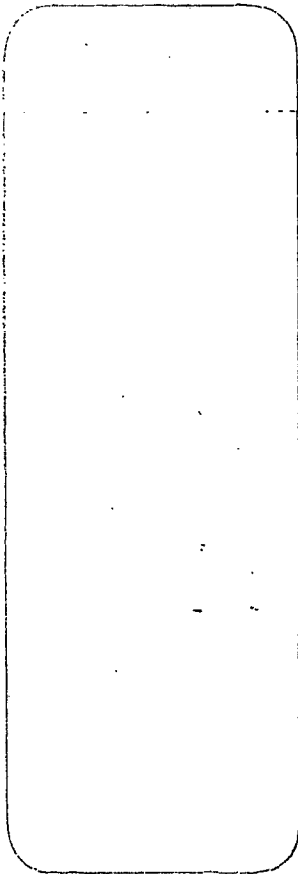
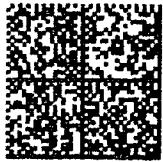


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**JAN 17 2006**  
**USPTO MAIL CENTER**

## **EXHIBIT D**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,082	08/21/2001	Jyothis Indirabhai	WIDC-026/00US	8557

7590 12/27/2005  
CHRISTOPHER C WINSLADE  
MCANDREWS HEL & MALLOY  
SUITE 3400  
CHICAGO, IL 60661



EXAMINER

DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
----------	--------------

2687

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
OIPE/IAP  
JAN 17 2006



## **EXHIBIT E**



Attorney Docket No.: 15975US01 (Formerly WIDC-026/00US) 41

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Jyothis Indirabhai

Serial No.: 09/935,082

Filing Date: August 21, 2001

For: SYSTEM AND METHOD FOR  
SYNCHRONIZING WIRELESS  
COMMUNICATION DEVICES

Examiner: Not yet assigned

Group Art: 2681

Confirmation No.: 8557

POWER OF ATTORNEY BY ASSIGNEE OF  
ENTIRE INTEREST, REVOCATION OF PRIOR POWERS  
AND CHANGE OF CORRESPONDENCE ADDRESS

Assistant Commissioner for Patents  
Washington, D.C. 20231

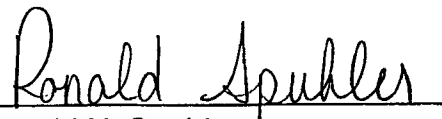
Dear Sirs:

We enclose a Power of Attorney by Assignee of Entire Interest, Revocation of Prior Powers and Change of Correspondence Address, and an Assignee Statement Under 37 C.F.R. §3.73(b).

Please charge any required fees or credit any overpayments to the deposit account of McAndrews, Held & Malloy, Ltd. Account No. 13-0017.

Respectfully submitted,

Date: September 9, 2004

  
Ronald H. Spuhler  
Registration No. 52,245  
McANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street  
Suite 3400  
Chicago, Illinois 60661  
(312) 775-8000

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Technology Center 2600

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We, Widcomm, Inc., a California corporation, are the assignee of record in all the patent applications as evidenced by the assignment that was recorded with the Patent and Trademark Office, attached hereto as Exhibit A. As assignee of record of the entire interest of the identified patent application, we hereby revoke all powers of attorney previously given in this patent application, and appoint the U.S. attorneys and/or agents at McAndrews, Held & Malloy, Ltd. (Chicago, IL),

**Customer No. 23,446,**

to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

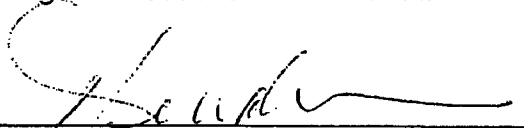
### **CHANGE OF CORRESPONDENCE ADDRESS**

Please send correspondence and direct telephone calls to the following:

Christopher C. Winslade  
McAndrews, Held & Malloy  
500 W. Madison Street  
Suite 3400  
Chicago, IL 60661  
(312) 775-8000

### **ASSIGNEE STATEMENT UNDER 37 C.F.R. § 3.73(b)**

We hereby state that we are the assignee of the entire right, title and interest in this patent application, as evidenced by the Assignment attached as Exhibit A.

  
\_\_\_\_\_  
Signature

September 3, 2004

Date

Dee Henderson

(type or print name of person authorized  
to sign on behalf of assignee)

Intellectual Property Portfolio Manager

Title

*NOTE: The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection. 37 C.F.R. §1.36.*